UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,338	03/10/2004	Jon P. Yarbrough	60,583-004	4307

27305 7590 04/12/2007			EXAMINER	
HOWARD & HOWARD ATTORNEYS, P.C.			PANDYA, SUNIT	
THE PINEHURST OFFICE CENTER, SUITE #101				
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BLOOMFIELD HILLS, MI 48304-5151			3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

	Application No.	Applicant(s)
Office Action Summary	10/797,338	YARBROUGH ET AL.
	Examiner	Art Unit
	Sunit Pandya	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 February 2007</u>.

2a) ☒ This action is **FINAL**.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-32,34-46 and 49* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-32, 34-46, 49* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to the amendments filed 2/23/2007, wherein the

applicant has not amended any claims.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-7, 9-12, 14-18, 20-26, 28, 29, 31-32, 34-39, 42-46 & 49 are rejected

under 35 U.S.C. 102(b) as being anticipated by Falciglia (US Patent 5,935,002).

        Claim 1:   Falciglia discloses of generating an end game result of bingo-type

game (col. 1-2:59-12, 2:13-27, figures 2A-3D). Falciglia also discloses of displaying the

end game indicative of whether a player has won or lost the game (figure 2A-2D, col.

2:38-46), and also displaying an award representation of the game result through a

mechanical technological aid at an electronic playing station (figure 4, 107e, wherein the

award displayed is a "gift" which is an example of an award disclosed by the Falcigali,

wherein any other type of award could be implemented in the said game with spinning

reels, which is being displayed through spinning reels, col. 2:38-46).

        Claims 2, 3, 23 & 24:   Falciglia discloses of one or more mechanical

spinning wheels disclosed within the gaming station (col. 3:26-39).

Claim 4:   Falciglia discloses of generating the result of the bingo-type game

comprising of creating multiple different bingo cards for multiple players competing

against each other (figure 1, col. 2-3:66-25, col. 1:55-58). This includes a first and

second card for first and second players.

Claims 5, 7 & 26:   Falciglia discloses of a processor, which includes a random

number generator for generating five sets of random number for display (col. 1-2:67-13),

wherein the numbers are shared by multiple players (col. 14:65-15:22, 16: 48-62, 17: 4-

12).

Claims 6 & 25:   Falciglia discloses reporting the called number to the gaming

station to compare multiple player cards to the bingo card after the number has been

generated (col. 2:14-27, col. 13: 4-18).

Claims 9 & 28:   Falciglia discloses of a random number generator for

generating called number in succession or in a specific order (col. 1-2:67-13).

Claims 10 & 16:   Falciglia discloses of generating the result of the bingo-type

game, further comprising whether the called numbers establish a game-ending pattern

or an interim pattern on any of multiple bingo card (col. 3: 63-17, 5: 41-48, 6-: 58-8).

Falciglia discloses of end of a given turn which can be indicated by placement of the

fifth number of a given set during the given turn in the matrix, which causes the

disclosed computer system to automatically go to the next turn or to the end of the five

turn game session (col. 15:29-50). The number placement could be noticed in figures

2A-3D, which disclose different winning patterns after the placement of the fifth number.

Claims 11 & 17:   Falciglia discloses step of displaying the representation of the result on the gaming station, in response to determining whether the game-ending pattern has been establish on the bingo card (col. 15:45-67, figure 5, element #134, displays the result of the bingo game).

Claims 12, 18 & 29: Falciglia discloses of awarding prizes in response to determining the game-ending patterns or an interim established on the bingo cards. Falciglia awards points or credits for the most bingo combinations (col. 15: 45-50).

Claims 14, 20 & 31: Falciglia discloses of awarding prizes in response to determining the game-ending patterns or interim pattern established on the bingo cards. Falciglia awards points or credits for the most bingo combinations (col. 15:45-50). Falciglia also discloses of providing an auto-daubing option, prior to awarding the prize (col. 13:48-60). Falciglia discloses the matching number having a first color as a foreground, while the background may be changed to a white or gray, thus causing an auto-daubing pattern.

Claim 15:   Falciglia discloses of ending the game in response to several game-ending pattern established in the game play (col. 15:29-37). Falciglia discloses of ending of a given turn by the placement of the fifth number of a given set on any of the bingo cards, thus creating a pattern, which could potentially be the game ending pattern.

Claim 21:   Falciglia discloses step of determining whether a plurality of players are playing the bingo-type game. Falciglia discloses method referring to a single player using the computer-based system and method operating in a multi player mode to

conduct a multi-player game (col. 16:40-47), Falciglia thus inherently disclose the steps

of determining whether plurality of players are playing the bingo game.

Claims 22 & 49:   Falciglia discloses of generating the result of the bingo-type

game comprising of creating a bingo card (figure 1, col. 2-3:66-25, col. 8:18-21).

Falciglia discloses the method that determines if the entire matrix is filled with covered

symbols, i.e. corresponding to a full bingo card, thus generating result on a bingo card

(col. 18:13-15). Falciglia discloses of a processor, which includes a random number

generator for generating five sets of random number for display (col. 1-2:67-13).

Falciglia discloses of generating the result of the bingo-type game, further comprising

whether the called numbers establish a game ending or an interim pattern on the bingo

card. Falciglia discloses of end of a given turn maybe indicated by placement of the fifth

number of a given set during the given turn in the matrix, which causes the disclosed

computer system to automatically go to the next turn or to the end of the five turn game

session (col. 15:29-50). The number placement could be noticed in figures 2A-3D,

which disclose different winning patterns after the placement of the fifth number.

Falciglia discloses step of displaying an award representation of the game result

through a mechanical technological aid at an electronic playing station (figure 4, 107e,

wherein the award displayed is a "gift" which constitutes as an award which is being

displayed through spinning reels, col. 2:38-46).

Claims 32 & 45:   Falciglia discloses a serve for generating atleast one called

number that correlates to the result of bingo-type game. Figures 7 & 8 disclose a game

server which performs as a primary game server for maintaining the executive function

and the record module which coordinates operation of all the set of game server (col. 11:7-30). Falciglia also discloses multiple electronic gaming stations in operative communication with the above-mentioned game server and comprising a mechanical technological aid for displaying an award representation of the game result through a mechanical technological aid at an electronic playing station (figure 4, 107e, wherein the award displayed is a "gift" which constitutes as an award which is being displayed through spinning reels, col. 10:60-55, col. 2:38-46, also figures 6 &).

Claim 34:   Falciglia discloses of a controller or processor for creating multiple bingo cards (col. 8: 43-57). Falciglia discloses of said processor or a controller that generates a set of five randomly generated numbers or symbols or a bingo card, which are displayed to the users (figure 5, element # 140 & # 132). Falciglia also discloses of generating the result of the bingo-type game comprising of creating plurality of bingo cards (figure 1, col. 2-3:66-25, col. 8: 18-21). Falciglia discloses the method that determines if the entire matrix is filled with covered symbols, i.e. corresponding to a full bingo card, thus generating result on a bingo card which could be a game ending pattern or an interim pattern (figure 5, element # 166, col. 18:13-15).

Claims 35 & 36:   Falciglia discloses of game server, which includes a processor for controlling an executive function, a records keeper function. Falciglia also discloses one of the sets of game servers to be connected to the on-line services server and to other game servers to perform as a primary game server for maintaining the executive function (figures 7 & 8, col. 11:19-30). Falciglia inherently discloses the method that determines if the entire matrix is filled with covered symbols, i.e.

corresponding to a full bingo card, thus generating and comparing the results to the

called numbers, on plurality of bingo cards which could be a game ending pattern

(figure 5, element # 166, col. 18:13-15).

Claims 37 & 38:   Falciglia discloses of an Ethernet network to communicate

between the server and the gaming station (col. 10:45-54). Thus creating an operative

communication link.

Claim 39:   Falciglia discloses of a server generating a plurality of called

numbers (figure 7 & 8 discloses game server and client server respectively, col. 13:27-

33, 41-47).

Claims 42 & 43:   Falciglia discloses of a server being local or remote (wide)

relative to the gaming stations (col. 10:45-54).

Claim 44:   Falciglia discloses a video display section (figure 8, col. 1:59-61),

and a mechanical display section (col. 3:26-33). Falciglia also discloses of generating

the result of the bingo-type game comprising of creating plurality of bingo cards (figure

1, col. 2-3:66-25, col. 8:18-21). Falciglia discloses the method that determines if the

entire matrix is filled with covered symbols, i.e. corresponding to a full bingo card, thus

generating result on a bingo card (col. 18:13-15). Falciglia also discloses of a video

display section that displays the called number in the bingo-type game (figure 10

discloses display screen for bingo type game, which also displays the called numbers,

col. 13:27-33). Falciglia also discloses mechanical technological aid disposed within the

mechanical display screen (col. 3:26-39).

Claim 46:   Falciglia discloses a program product for playing a bingo-type game

wherein the program product is stored on a computer readable medium (col. 8:43-49),

comprises of a result program code for generating a result of the bingo-type game (col.

9:44-50, col. 10:6-14). Falciglia discloses of a processor, which includes a score

generator to generate a score of points awarded for attaining valid bingo conditions,

thus inherently generating a result of the game. Falciglia also discloses a display

program code for displaying a representation of the result through a mechanical

technological aid at an electronic play station. Falciglia teaches of a game client, which

includes an event processor connected to a user input device, a game display and a

communication device. Wherein the event processor performs wheel spins, and

changes the current display (col. 11:19-42). The program code is inherently compiled

within the processor, since a processor cannot instigate without the program code,

hence the program is stored in the memory and is being utilized by the processor, and

is used as a display program to display the game on the gaming station.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 8, 27, 40 & 41 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Falciglia.

Claims 8 & 27:   Falciglia discloses a random number generator for
generating called number (col. 1-2:67-13). However Falciglia does not disclose of all
the numbers being generated at the same time, it would have been obvious to one of
ordinary skill in the art at the time of the invention, to allow all the numbers to be
generated at the same time, thus speeding up the game, and allowing players to
maximize their winning in limited time.

Claims 40 & 41:   Falciglia discloses of a server generating a plurality of called
numbers (figure 7 & 8 discloses game server and client server respectively, col. 13:27-
33, 41-47). Falciglia however does not disclose of these numbers being generated at
the same time. It would have been obvious to one of ordinary skill in the art at the time
of the invention, to allow all the numbers to be generated at the same time, thus
speeding up the game, and allowing players to maximize their winning in limited time.

6.   Claims 13, 19 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Falciglia as applied to claims above, and further in view of Lind (US Patent
Publication 2004/0176169).

Claims 13, 19 & 30: Falciglia discloses of awarding prizes in response to
determining the game-ending patterns or interim pattern established on the bingo cards.
Falciglia awards points or credits for the most bingo combinations (col. 15:45-50).
However Falciglia fails to teach of manually daubing for the patterns in the game.

Lind teaches of occurrence of daubing that may be performed manually by the
players at the playing station, using a suitable interface (par 8). It would have been

obvious to one having ordinary skill in the art at the time the applicant's invention was

made to have modified Falciglia's gaming machine to include the process of manual

daubing disclosed by Lind, thus by implementing manual daubing in the gaming

machine, the players are actively participating in the bingo-type game and active

participation creates an exciting playing environment for all participating players.

Response to Arguments

7.   Applicant's arguments filed 2/23/2007 have been fully considered but they are

not persuasive.

Regarding the amendments to the claims, the specification does not clearly

support the term "end game", therefore through broadest reasonable claim

interpretation, the examiner interprets the term as the result or the winning numbers at

the end of said bingo game. And regarding applicant's arguments that the reference

does not teach of end game result through mechanical technological aid as claimed in

the present application. The examiner respectfully disagrees with the applicant.

Falciglia teaches of having wheel spinning to generate set of five random

symbols/number and display the generated number/symbols to the players (see figure

8, col. 11: 19-30).

Regarding the applicant's arguments related to "free" gift not being same as an award.

The examiner respectfully disagrees with the applicant. The disclosed gift from

Falciglia's reference is an example ("Finally, other special wheel positions, for example

a free gift as shown in wheel display window...") wherein a different "award" could be

easily implemented into the Falciglia's game instead of a free spin, which is indicated to the player in a mechanical device (figure 4, 107e, col. 2:38-46, col. 6: 37-44).

The applicant argues that the reference does not teach or disclose of generating at least one called number that is shared in common by players having different bingo cards. The examiner respectfully disagrees with the applicant. Falciglia teaches of generating identical set of symbol/number for every player in the multiplayer configuration (col. 17: 4-12).

Consequently for the reason provided above, the rejection is maintained.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
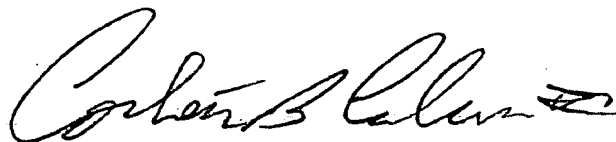
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

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PRIMARY EXAMINER